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ADMINISTRATION OF JUSTICE

Written statement* submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 July 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Administration of Justice

1. The People's Republic of China is party to several UN human rights instruments and standards all of which adhere to provide the fullest form of protection to detainees, including those held for their political or religious beliefs. China is currently a signatory of the UN Convention on Civil and Political Rights. In November 2000, Beijing also signed a Memorandum of Understanding with the Office of UN High Commissioner for Human Rights. However, while acknowledging these positive steps, the international community should not ignore the fact that Tibetan citizens are still denied many fundamental rights to which they are entitled, including the freedoms of expression, assembly, association, and religion. Some of the worst abuses are exercised against those who exercise political dissent. In Tibet, security forces routinely resort to arbitrary arrest, imprisonment, and torture in response to non-violent protests, including displaying Tibetan flags or other symbols of cultural identity, holding peaceful demonstrations, possessing a photograph of the Dalai Lama, compiling a list of prisoners, putting up posters, and distributing nationalistic leaflets.

2. In recent months, the Chinese authorities published a series of official articles on the situation of prisons and prisoners in Tibet in response to repeated criticism from abroad. As the editor of one publication stated : "Recently, government departments in Tibet received a series of letters from foreigners asking whether there is a high incidence of cases involving the torture and beating of prisoners in Tibetan prisons and whether there is a high death rate of prisoners when they are serving sentences or right after release. Officials from the U.S. Congress also raised similar questions with the departments concerned in the Tibet Autonomous Region in southwest China." 1) The articles, of course, denied any truth to such claims. One article maintained that there were "no accidental deaths in Tibet's prisons," quoting Lu Bo, the head of the "Tibet Autonomous Region Prison" (a.k.a. Drapchi Prison) as saying: "I've never heard of any case involving the accidental death of prisoners in Tibet." But Lu added: "Fifteen prisoners in the regional prison died of illness in the past five years."

3. The evidence belies such denials, however. Independant sources testify to the effect that a number of political prisoners die in custody or after their release every year in Tibet. On 29 February 2002, Amnesty International issued an international appeal demanding "accountability" for the deaths in custody. 2) The appeal drew attention the the fact that nine prisoners, mainly Buddhist monks and nuns, had died following protests which took place in Tibet's notorious Drapchi Prison on 1 and 4 May 1998. The deaths reportedly took place as a result of severe beatings and other forms of torture and ill-treatment meted out by prison officers, apparently as punishment for their participation in the protests. Despite repeated calls for accountability, however, the Chinese authorities have so far failed to initiate a full and independent inquiry into these allegations and to ensure that those responsible are brought to justice.

4. On the other hand, the death last year of Mr. Namgyal Tashi, a former political prisoner and father of Ngawang Sangdrol, the longest-serving female political prisoner in Tibet, is one example of how former detainees gradually succumb to the after-effects of mistreatment in prison. New evidence also emerged about the death in February 2001 of a Tibetan nun, Ngawang Lochoe, a year before the end of her 10-year sentence in Lhasa's Drapchi prison. The twenty-eight year old woman had been suffering from a condition known as acute (necrotizing) pancreatitis and had only been hospitalised on the day of her death, according to the official source. Enrolled as a nun at Samdrub Dolma Lhakhang (temple) in Toelung Dechen county (Chinese: Duilongdeqing), Ngawang Lochoe was sentenced in July 1992 to five years in prison for taking part in a peaceful protest in Lhasa. Her sentence was then extended by another five years in 1993 after she and 13 other nuns in Drapchi made a tape recording of songs dedicated to their family and friends which was smuggled out of prison.

5. In August/September 2001, a Tibetan monk in his early twenties from Labrang monastery in north-eastern Tibet died following maltreatment during a short period of detention in Lhasa. The monk, Kelsang Gyatso, was detained with a large group of Tibetans who were attempting to escape into Nepal. Kelsang Gyatso, the eldest of three children whose parents are nomads in Sangchu (Ch: Xiahe) township in Gansu province, became a monk at the age of six at Labrang Tashikyil monastery in the so-called, „Kanlho (Ch: Gannan) Tibetan Autonomous Prefecture in Gansu".

6. Another case involves a Tibetan farmer in his thirties who died in prison following his arrest for participation in demonstrations protesting the arrest of a respected Buddhist teacher. Tsering Wangdrak, who is survived by his wife and two young children, died in August 2000 while serving a sentence of three years and eight months. Reports said that he was beaten unconscious at least once, suffering blows to his chest and stomach, during his initial period in detention following the demonstrations in Karze (Chinese: Ganzi) county town, of the so-called "Karze Tibetan Autonomous Prefecture" in Sichuan Province in October 1999. Tsering Wangdrak was one of several Tibetans sentenced in connection with one of the largest public demonstrations in a Tibetan region since the 1980s. The demonstrations followed the arrests of a senior Buddhist scholar, Ghen Sonam Phuntsog, his assistant, Sonam, and Agyal Tsering, a monk and former political prisoner.

7. Reports from Ngaba (a Tibetan area incorporated into Sichuan province) highlight Ngapa Prison's increasing importance as a place of detention for Tibetan political prisoners. Fourteen Tibetan political prisoners are currently being held in Ngaba prison in Maowun county (Chinese: Maoxian) in so-called "Ngaba (Ch: Aba) Tibetan and Qiang Autonomous Prefecture". Eleven of these are monks, including three monks from Kirti monastery in the region, five monks from Gepheling monastery in neighbouring "Karze (Ch:Ganzi) Tibetan Autonomous Prefecture", one monk from Lithang, and a Tibetan lama who was sentenced to a term of six years after expressing his opposition to local government policies linked to gold mining near his monastery. A reliable report indicates that Ghen Sonam Phuntsok, the afore-mentioned religious teacher whose detention sparked off major demonstrations in Karze in October 1999, is also being held in Ngaba prison, while serving a prison term of five years.

8. On 9 May 2000, the Committee Against Torture, in its concluding observation on China's Third Periodic Report, expressed concern "about the continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities." In this connection, we once again urge the Chinese authorities to receive the Special Rapporteur on Torture as invited in 1999 and to accept fully the Special Rapporteur's "terms of reference" for such a visit. The Report of the Special Rapporteur on Torture to the 58th UN Commission on Human Rights once again highlighted cases of torture victims in Tibet.

9. In February 2001, a comprehensive study by the Tibet Information Network (TIN) in London listed a total of 197 Tibetan monks and nuns detained in Tibet, the majority of whom were imprisoned in the so-called "Tibet Autonomous Region (TAR)". 3) In April 2000, the director of the "TAR" Prison Administration Bureau told a visiting foreign delegation that there were over 100 monks and nuns imprisoned in the TAR's three prisons, of whom 90 percent were incarcerated for "endangering state security." There are continued reports of imprisonment and abuse or torture of monks and nuns accused of political activism in connection with the official "Strike Hard" campaign which has resulted in the expulsion of thousands of clergy from their religious institutions and hundreds of arrests since 1996. Prisoners who resist the "political re-education" imposed by prison authorities, particularly demands to denounce the Dalai Lama and accept

Gyaltsen Norbu, the boy recognized by the Government as the Panchen Lama, are gravely mishandled. The TIN reported severe beatings of several nuns serving long prison sentences, including Ngawang Choezom and Phuntsog Nyidrol, imprisoned in 1989 for singing pro-independence songs. Government officials stated that because Phuntsog Nyidrol has since shown "repentance", her sentence has been reduced by one year. She is scheduled to be released in 2005. Nun Ngawang Sangdrol was also beaten severely on multiple occasions and held in solitary confinement for an extended period. Her prison sentence was extended for a third time in 1998 to a total of 21 years for taking part in demonstrations in prison. Ngawang Sangdrol's health continues to be of concern, despite government officials' assertions that her health is fine.

10. In recent months, the Chinese authorities have released three well-known Tibetan political prisoners, Chadrel Rinpoche, Ngawang Choephel and Tanak Jigme Sangpo, in response to repeated international appeals. We welcome these steps taken by the Chinese authorities. However, we believe that the release of all political prisoners in Tibet is urgently needed. This would be a major signal that Beijing is sincere in its proclaimed observance of universal norms and standards in the field of human rights. Unfortunately, it is unlikely that such a step will taken without addional pressure on the part of the international community. As the recent official articles glorifying prison conditions in Tibet cited above demonstrate, the current policy is a white wash. All claims by the Chinese government concerning the promotion and protection of human rights in Tibet must be seen in this light.

11. In view of the many cases documenting the continued and wide-spread use of arbitrary arrest, detention, and torture in the administration of justice, we call upon the Sub-Commission to intervene urgently on the human rights situation in Tibet.

Footnotes :

1) From "Prison on the Plateau", an official Chinese government publication, issued by the China-Tibet Information Center; available at www. tibetinfor.com

2) Amnesty International Index : ASA 21 / 009 / 2002

3) "Suppressing Dissent : A Report on Political Imprisonment in Tibet 1997 - 2000" published on 23 February 2001 by the Tibet Information Network in London; available at www. tibetinfo.net

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